United Nations A/63/786

General Assembly

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Sixty-third session
Agenda item 124

Joint Inspection Unit

Report of the Fifth Committee

Rapporteur: Mr. Patrick A. **Chuasoto** (Philippines)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the item entitled "Joint Inspection Unit" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 30th and 39th meetings, on 4 and 27 March 2009. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/63/SR.30 and 39).

3. For its consideration of the item, the Committee had before it the report of the Joint Inspection Unit for 2008 and programme of work for 2009[1] and a note by the Secretary-General, in his capacity as Chairman of the United Nations System Chief Executives Board for Coordination, on the report of the Unit for 2008 (A/63/731).

II. Consideration of draft resolution A/C.5/63/L.36

4. At its 39th meeting, on 27 March, the Committee had before it a draft resolution entitled "Joint Inspection Unit" (A/C.5/63/L.36), submitted by the Chairman of the Committee on the basis of informal consultations coordinated by the representative of Egypt.

5. At the same meeting, the Committee adopted draft resolution A/C.5/62/L.36 without a vote (see para. 6).

[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 34* (A/63/34 and Corr.1).

Please recycle

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Joint Inspection Unit for 2008 and programme of work for 2009

The General Assembly,

Reaffirming its previous resolutions on the Joint Inspection Unit, in particular resolutions 31/192 of 22 December 1976, 50/233 of 7 June 1996, 54/16 of 29 October 1999, 55/230 of 23 December 2000, 56/245 of 24 December 2001, 57/284 A and B of 20 December 2002, 58/286 of 8 April 2004, 59/267 of 23 December 2004, 60/258 of 8 May 2006, 61/238 of 22 December 2006, 61/260 of 4 April 2007, 62/226 of 22 December 2007 and 62/246 of 3 April 2008,

Reiterating that the impact of the Unit on the cost-effectiveness of activities within the United Nations system is a shared responsibility of the Member States, the Unit and the secretariats of the participating organizations,

Reaffirming the commitment by the Unit, the legislative organs and the secretariats of the participating organizations to implement a system of follow-up to the recommendations of the Unit, as set out in resolution 54/16,

Reaffirming also the statute of the Unit and the unique role of the Unit as the only external and independent system-wide inspection, evaluation and investigation body,

Having considered the report of the Joint Inspection Unit for 2008 and programme of work for 2009[1] and the note by the Secretary-General on the report of the Unit for 2008,[2]

1. *Recalls* its resolutions 61/260, 62/226 and 62/246;

2. *Takes note with appreciation* of the report of the Joint Inspection Unit for 2008 and programme of work for 2009;[1]

3. *Takes note* of the note by the Secretary-General;[2]

4. *Affirms* that oversight is a shared responsibility of Member States, the organizations and the internal and external oversight bodies;

5. *Welcomes* progress in the reform process of the Unit and its improved collaboration with participating organizations and other oversight bodies, and invites the Unit to report to the General Assembly at its sixty-fourth session on measures taken in this regard;

6. *Acknowledges* the Unit's undertaking to apply results-based management in its work;

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[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 34* (A/63/34 and Corr.1).

[2] A/63/731.

7. *Requests* the Unit, in line with its mandate, to continue to focus its work and reports on system-wide issues of interest and relevance to the participating organizations and the States Members of the United Nations and to provide advice on ways to ensure the avoidance of duplication and more efficient and effective use of resources in implementing the mandates of the Organization;

8. *Reiterates its request* to the executive heads of the participating organizations to fully comply with the statutory procedures for consideration of the reports of the Unit and, in particular, to submit their comments and to distribute reports in time for their consideration by legislative organs;

9. *Reiterates its request* to the Secretary-General and the other executive heads of the participating organizations to fully assist the Unit with the timely provision of all information requested by it;

10. *Reiterates its invitation* to the legislative organs of the participating organizations to take concrete action on the recommendations of the Unit;

11. *Requests* the Secretary-General, in his capacity as Chairman of the United Nations System Chief Executives Board for Coordination, to expedite the implementation of the present resolution, including through the expected provision of support to the Unit by the secretariats of the participating organizations in the preparation of its reports, notes and confidential letters, and the consideration of and action on the Unit's recommendations in the light of pertinent resolutions of the General Assembly, and to report to the Assembly on an annual basis on the results achieved;

12. *Notes with appreciation* the ongoing efforts of the Unit to report on the impacts of its recommendations, as illustrated in section E, chapter I, of its annual report,[1] and in this context requests the Unit, in coordination with participating organizations, to provide information on the improvement of the presentation of those impacts and their financial implications, wherever possible, in future annual reports;

13. *Invites* the Unit, in this context, to include in its annual report information on its experience in the implementation of the follow-up system by the participating organizations, and in this regard requests the Unit to continue working towards implementation of a web-based follow-up system to monitor the status of recommendations and receive updates from individual organizations;

14. *Recalls* paragraph 17 of its resolution 62/246, and encourages the Secretary-General, in his capacity as Chairman of the Chief Executives Board, to continue enhancing the dialogue of the Board with the Joint Inspection Unit, including, where appropriate, through the invitation to participate in the meetings of its Committees and networks;

15. *Welcomes* the coordination of the Unit with the Board of Auditors and the Office of Internal Oversight Services of the Secretariat, and encourages those bodies to continue sharing experiences, knowledge, best practices and lessons learned with other United Nations audit and oversight bodies as well as with the Independent Audit Advisory Committee;

16. *Requests* the Secretary-General to expedite the appointment of the Executive Secretary of the Joint Inspection Unit after consultation with the Joint Inspection Unit and the Chief Executives Board, in full accordance with article 19

of the statute of the Unit as well as the relevant provisions of the General Assembly resolutions regarding staff selection;

17. *Acknowledges* the undertaking by the Unit of a medium- and long-term strategy approach for 2010-2019, as contained in annex III of its report, stresses the need for the Unit to continuously update and improve its medium- and long-term strategy for 2010-2019, taking into account the dynamics and challenges of the environment in which it undertakes its activities, and decides to consider any resources associated with the implementation of the medium- and long-term strategy approach in the context of future programme budgets;

18. *Encourages* the Unit to keep the General Assembly informed, if necessary, about any difficulty or delay in obtaining visas for the official travel of the inspectors, as well as members of its secretariat.

United Nations A/63/787

General Assembly

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Agenda item 146

Financing of the United Nations Mission in the Sudan

Report of the Fifth Committee

Rapporteur: Mr. Patrick A. **Chuasoto** (Philippines)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the item entitled "Financing of the United Nations Mission in the Sudan" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 37th and 39th meetings, on 24 and 27 March 2009. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/63/SR.37 and 39).

3. For its consideration of the item, the Committee had before it a note by the Secretary-General on the financing arrangements for the United Nations Mission in the Sudan for the period from 1 July 2008 to 30 June 2009 (A/63/756) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/63/777).

II. Consideration of draft resolution A/C.5/63/L.37

4. At its 39th meeting, on 27 March, the Committee had before it a draft resolution entitled "Financing of the United Nations Mission in the Sudan" (A/C.5/63/L.37), submitted by the Chairman or the Committee on the basis of informal consultations coordinated by the representative of the Dominican Republic and Vice-Chairman of the Committee.

5. At the same meeting, the Committee adopted draft resolution A/C.5/63/L.37 without a vote (see para. 6).

09-28470 (E) 030409

Please recycle

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Mission in the Sudan

The General Assembly,

Having considered the note by the Secretary-General on the financing arrangements for the United Nations Mission in the Sudan[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling Security Council resolution 1812 (2008) of 30 April 2008, in which the Council decided to extend the mandate of the Mission until 30 April 2009,

Recalling also its resolution 62/267 of 20 June 2008 on the financing of the Mission,

1. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] and requests the Secretary-General to ensure their full implementation;

Budget estimates for the period from 1 July 2008 to 30 June 2009

2. *Decides* to appropriate to the Special Account for the United Nations Mission in the Sudan the amount of 56,173,100 United States dollars for the maintenance of the Mission for the period from 1 July 2008 to 30 June 2009, in addition to the amount of 820,720,600 dollars already appropriated for the maintenance of the Mission for the period from 1 July 2008 to 30 June 2009 under the terms of its resolution 62/267;

Financing of the appropriation

3. *Decides*, taking into account the amount of 715,642,666 dollars already apportioned under the terms of its resolution 62/267 for the period from 1 July 2008 to 30 April 2009, to apportion among Member States the additional amount of 42,129,825 dollars for the period from 1 July 2008 to 30 April 2009, in accordance with the levels updated in General Assembly resolution 61/243 of 22 December 2006, and taking into account the scale of assessments for 2008 and 2009, as set out in its resolution 61/237 of 22 December 2006;

4. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 3 above, their respective share in the Tax Equalization Fund of 973,833 dollars, representing the increase in the estimated staff assessment income approved for the Mission for the period from 1 July 2008 to 30 April 2009;

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[1] A/63/756.

[2] A/63/777.

5. *Further decides*, taking into account the amount of 143,128,534 dollars already apportioned under the terms of its resolution 62/267 for the period from 1 May to 30 June 2009, to apportion among Member States the additional amount of 8,425,965 dollars at a monthly rate of 4,212,982 dollars for the period from 1 May to 30 June 2009, in accordance with the levels updated in General Assembly resolution 61/243, and taking into account the scale of assessments for 2009, as set out in its resolution 61/237, subject to a decision of the Security Council to extend the mandate of the Mission;

6. *Decides* that, in accordance with the provisions of its resolution 973 (X), there shall be set off against the apportionment among Member States, as provided for in paragraph 5 above, their respective share in the Tax Equalization Fund of 194,767 dollars, representing the increase in the estimated staff assessment income approved for the Mission for the period from 1 May to 30 June 2009;

7. *Also decides* to keep under review during its sixty-third session the item entitled "Financing of the United Nations Mission in the Sudan".

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General Assembly

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Sixty-third session
Agenda item 149

Financing of the United Nations Mission in the Central African Republic and Chad

Report of the Fifth Committee

Rapporteur: Mr. Patrick A. **Chuasoto** (Philippines)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the item entitled "Financing of the United Nations Mission in the Central African Republic and Chad" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 35th and 39th meetings, on 19 and 27 March 2009. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/63/SR.35 and 39).

3. For its consideration of the item, the Committee had before it a note by the Secretary-General on the financing arrangements for the United Nations Mission in the Central African Republic and Chad (A/63/727) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/63/768).

II. Consideration of draft resolution A/C.5/63/L.40

4. At its 39th meeting, on 27 March, the Committee had before it a draft resolution entitled "Financing of the United Nations Mission in the Central African Republic and Chad" (A/C.5/63/L.40), submitted by the Chairman of the Committee on the basis of informal consultations coordinated by the representative of Iceland.

5. At the same meeting, the Committee adopted draft resolution A/C.5/63/L.40 without a vote (see para. 6).

09-28476 (E) 020409

Please recycle

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Mission in the Central African Republic and Chad

The General Assembly,

Having considered the note by the Secretary-General on the financing arrangements for the United Nations Mission in the Central African Republic and Chad[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling Security Council resolution 1861 (2009) of 14 January 2009, in which the Council decided to extend the mandate of the Mission until 15 March 2010, authorized the deployment of a military component of the United Nations Mission in the Central African Republic and Chad to follow up the European Union-led military force in both Chad and the Central African Republic at the end of its mandate, decided that the transfer of authority between the European Union-led military force and the military component of the Mission would take place on 15 March 2009, and also decided that the Mission should include a maximum of three hundred police officers, twenty-five military liaison officers, five thousand two hundred military personnel, and an appropriate number of civilian personnel,

1. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution, and requests the Secretary-General to ensure their full implementation;

Budget estimates for the period from 1 July 2008 to 30 June 2009

2. *Authorizes* the Secretary-General to enter into commitments for the United Nations Mission in the Central African Republic and Chad for the period from 1 July 2008 to 30 June 2009 in a total amount not exceeding 139,671,300 dollars, inclusive of the amount of 49,868,400 dollars previously authorized by the Advisory Committee under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994 and in addition to the amount of 301,124,200 dollars already appropriated for the maintenance of the Mission for the period from 1 July 2008 to 30 June 2009 under the terms of its resolution 62/233 B of 20 June 2008;

Financing of the commitment authority

3. *Decides* to apportion among Member States the amount of 139,671,300 dollars for the period from 1 July 2008 to 30 June 2009, in accordance with the levels updated in General Assembly resolution 61/243 of 22 December 2006, and taking into account the scale of assessments for 2008 and 2009, as set out in its resolution 61/237 of 22 December 2006;

[1] A/63/727.
[2] A/63/768.

4. *Also decides* to keep under review during its sixty-third session the item entitled "Financing of the United Nations Mission in the Central African Republic and Chad".

United Nations A/63/789

General Assembly

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Sixty-third session
Agenda item 157

Financing of the activities arising from Security Council resolution 1863 (2009)

Report of the Fifth Committee

Rapporteur: Mr. Patrick A. **Chuasoto** (Philippines)

I. Introduction

1. At its 75th plenary meeting, on 20 February 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the item entitled "Financing of the activities arising from Security Council resolution 1863 (2009)" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 38th and 39th meetings, on 25 and 27 March 2009. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/63/SR.38 and 39).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the financing of support for the African Union Mission in Somalia for the period from 1 July 2008 to 30 June 2009 (A/63/758) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/63/780).

II. Consideration of draft resolution A/C.5/63/L.38

4. At its 39th meeting, on 27 March, the Committee had before it a draft resolution entitled "Financing of the activities arising from Security Council resolution 1863 (2009)" (A/C.5/63/L.38), submitted by the Chairman of the Committee on the basis of informal consultations coordinated by the representative of Sweden and Vice-Chairman of the Committee.

5. At the same meeting, the Committee adopted draft resolution A/C.5/63/L.38 without a vote (see para. 6).

09-28488 (E) 020409

Please recycle

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the activities arising from Security Council resolution 1863 (2009)

The General Assembly,

Having considered the report of the Secretary-General on the financing of support for the African Union Mission in Somalia[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling Security Council resolution 1863 (2009) of 16 January 2009, in which the Council expressed its intent to establish a United Nations peacekeeping operation in Somalia as a follow-on force to the African Union Mission in Somalia, subject to the Council's further decision by 1 June 2009, and requested the Secretary-General, in order for the forces of the African Union Mission in Somalia to be incorporated into a United Nations peacekeeping operation, to provide a United Nations logistical support package to the African Union Mission in Somalia, including equipment and services,

Recognizing that the costs of this support to the African Union Mission in Somalia are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling that in its resolution 1863 (2009), the Security Council requested the Secretary-General to submit a report on a United Nations peacekeeping operation by 15 April 2009,

1. *Requests* the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the logistical support package;

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution, and requests the Secretary-General to ensure their full implementation;

3. *Requests* the Secretary-General to take appropriate measures to ensure effectiveness, efficiency and transparency with regard to the use of United Nations resources, bearing in mind the specific nature of the support package;

Estimates for the period from 1 May 2007 to 30 June 2009

4. *Authorizes* the Secretary-General to establish a special account for the support provided to the African Union Mission in Somalia, for the purpose of accounting for the income received and the expenditure incurred;

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[1] A/63/758.

[2] A/63/780.

5. *Also authorizes* the Secretary-General to enter into commitments for the support of the African Union Mission in Somalia for the period from 1 May 2007 to 30 June 2009 in a total amount not exceeding 77,790,900 United States dollars, inclusive of the amount of 50,000,000 dollars previously authorized by the Advisory Committee under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994, which comprises the amount of 2,149,000 dollars for the period from 1 May 2007 to 30 June 2008 and the amount of 47,851,000 dollars for the period from 1 July 2008 to 30 June 2009;

Financing of the commitment authority

6. *Decides* to apportion among Member States the amount of 2,149,000 dollars for the period from 1 May 2007 to 30 June 2008, in accordance with the levels updated in General Assembly resolution 61/243 of 22 December 2006, and taking into account the scale of assessments for 2007 and 2008, as set out in its resolution 61/237 of 22 December 2006;

7. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 6 above, their respective share in the Tax Equalization Fund of 290,387 dollars, representing the estimated staff assessment income approved for the period from 1 May 2007 to 30 June 2008;

8. *Further decides* to apportion among Member States the amount of 69,338,401 dollars for the period from 1 July 2008 to 31 May 2009, in accordance with the levels updated in General Assembly resolution 61/243, and taking into account the scale of assessments for 2008 and 2009, as set out in its resolution 61/237;

9. *Decides* that, in accordance with the provisions of its resolution 973 (X), there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of 239,250 dollars, representing the estimated staff assessment income approved for the period from 1 July 2008 to 31 May 2009;

10. *Also decides* to apportion among Member States the amount of 6,303,499 dollars for the period from 1 to 30 June 2009, in accordance with the levels updated in General Assembly resolution 61/243, and taking into account the scale of assessments for 2008 and 2009, as set out in its resolution 61/237, subject to a decision of the Security Council to extend the mandate;

11. *Further decides* that, in accordance with the provisions of its resolution 973 (X), there shall be set off against the apportionment among Member States, as provided for in paragraph 10 above, their respective share in the Tax Equalization Fund of 21,750 dollars, representing the estimated staff assessment income approved for the period from 1 to 30 June 2009, subject to a decision of the Security Council to extend the mandate;

12. *Invites* voluntary contributions to the United Nations Trust Fund established to support the African Union Mission in Somalia;

13. *Decides* to keep under review during its sixty-third session the item entitled "Financing of activities arising from Security Council resolution 1863 (2009)".

United Nations A/63/790

General Assembly

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Sixty-third session
Agenda items 20, 44, 45, 47, 48, 49, 51, 53, 54, 55, 56, 61, 62, 63, 64, 97, 98 and 107

The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Culture of peace

Macroeconomic policy questions

Follow-up to and implementation of the outcome of the 2002 International Conference on Financing for Development and the preparation of the 2008 Review Conference

Sustainable development

Globalization and interdependence

Eradication of poverty and other development issues

Operational activities for development

Social development

Advancement of women

Indigenous issues

Elimination of racism and racial discrimination

Right of peoples to self-determination

Promotion and protection of human rights

Crime prevention and criminal justice

International drug control

Follow-up to the outcome of the Millennium Summit

09-28496 (E) 080409 080409

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Letter dated 27 March 2009 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General

In my capacity as Permanent Representative of the Government of Nicaragua, which, in the person of President Daniel Ortega Saavedra, holds the pro tempore presidency, I have the honour to attach herewith the text of the declaration of the Extraordinary Meeting of the Heads of State and Government of the Central American Integration System, held in Managua on 25 March 2009 (see annex).

I should be grateful if you would have this document distributed as a document of the General Assembly, under agenda items 20, 44, 45, 47, 48, 49, 51, 53, 54, 55, 56, 61, 62, 63, 64, 97, 98 and 107.

(*Signed*) María **Rubiales de Chamorro**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

Annex to the letter dated 29 March 2009 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General

Extraordinary Meeting of Heads of State and Government of the Central American Integration System

Managua, 25 March 2009

DECLARATION:

We, the Heads of State and Government of the member countries of the Central American Integration System (SICA), met in the city of Managua, Republic of Nicaragua, with the firm resolve to effectively further the integration and unity of the region and thereby the well-being of our peoples,

CONSIDERING

That the process of regional integration coupled with the strengthening of institutions constitute an ongoing priority in the region.

That it is important to develop mechanisms to address the effects of the various crises that affect us equally, in particular the financial, food and energy crises, as well as the effects of climate change, with a view to ensuring that they do not jeopardize the social advances that our peoples have achieved.

That in this context, unity is the best way to develop lasting solutions to the problems affecting our peoples.

Therefore:

WE AGREE TO

1. Congratulate the people and Government of El Salvador for their recent voting exercise and demonstration of a great spirit of civic responsibility and democracy, which resulted in the election of Mr. Mauricio Funes, to whom we express our sincere support in the implementation of his mandate for the benefit of all Salvadorans and in his efforts to enhance regional integration.

Furthermore, we congratulate President Elías Antonio Saca for his commitment to Central America and appreciate the outstanding work he did during his term of office as Head of State of El Salvador for the benefit of his country and of Central America.

2. Fully support and stand alongside the President of Guatemala, Álvaro Colom Caballeros, in his efforts to address the campaign that organized criminal groups and other circles opposed to the democratic advancement of Guatemala are waging to undermine and slow the policy of social justice and strengthening of democratic institutions initiated by his Government.

3. Endeavour to present a common position of the SICA countries on the strategic issues to be discussed at the Summit of the Americas in Trinidad and Tobago on 18 and 19 April 2009.

4. Support the holding of the Third SICA and Caribbean Community (CARICOM) Summit of Heads of State and Government in Managua on 20 May 2009.

5. Take note of the report presented by the General Secretariat of the Central American Integration System, in coordination with regional institutions, to encourage modernization of the system through continuing consultation, in accordance with the declaration of the SICA Heads of State and Government, in Managua on 15 January 2009, on the understanding that a final version of the proposal will be presented at the upcoming Ordinary Summit in June 2009.

6. Instruct the General Secretariat of SICA (SG-SICA), in coordination with the specialized bodies of SICA, to continue its close monitoring of the effects of the main crises affecting the region and develop the necessary regional proposals for dealing with them; submit a progress report thereon to the forthcoming Ordinary Summit of SICA.

7. Remind SG-SICA and the Central American Security Commission of the need to promote new ways of obtaining financial resources for the implementation of the Security Strategy for Central America and Mexico and its costed plan of action, and urge members of the Security Commission to present project outlines for the implementation of the strategy.

8. Urge the member countries concerned to study and analyse the complete proposal of the Common Economic and Financial Fund (E-CA), presented at the negotiations of the Central America-European Union Association Agreement and reiterate that the Fund is an integral part of that agreement.

9. Instruct the Secretariat of the Council of Central American Health Ministers (COMISCA) to purchase medicines on the basis of a joint regional negotiation, defining the legal instruments that make the process viable, in coordination with SG-SICA.

10. Instruct SG-SICA to promote the consolidation and extension of the activities developed by the regional programme for food security and nutrition in Central America (PRESANCA), and other international agreements, in order to develop proposals to strengthen the regional strategy for food security and nutrition jointly with the specialized bodies of SICA.

11. Take note of the start of the work of the ad hoc group established to discuss the Esquipulas III process, also known as the "Peoples' Social Esquipulas", and prepare a report-proposal for the meeting of Presidents in June 2009, as instructed at the Presidential Summit of 5 December 2008 in San Pedro Sula, Republic of Honduras.

12. Call on the international community to continue providing cooperation to the region — based on the principles of respect for the sovereignty and the self-determination of democratic and sovereign nations — in order to bolster efforts to overcome the continuing social and economic inequalities in our countries.

13. Recognize migration as an international phenomenon that should be addressed in a comprehensive and long-term manner, with a view to promoting respect for the human rights of migrants and recognizing their contribution to the economy of the receiving State. States should address the underlying causes of migration and work out, on the basis of fruitful cooperation, arrangements for the well-being of

communities, in order to offer better development opportunities for people in their places of origin.

14. Support the initiative that the United Nations should convene a special high-level conference of all members of the General Assembly to discuss the international financial crisis.

15. Instruct the Council of Ministers for Economic Integration, the Council of Ministers of Finance and the Central American Agricultural Council, and request the Central American Monetary Council and the Council of Financial Supervisory Bodies to review, update and accelerate the plan of urgent measures to tackle the international financial crisis, on the basis of the Plan of Urgent Measures approved on 5 December 2008.

16. Support the initiative of the Food and Agriculture Organization of the United Nations (FAO) to hold the World Food Security Summit in Rome from 14 to 17 November 2009 on the eve of the 36th Session of the FAO Conference.

17. Welcome the initiative to hold a Ministerial meeting between the SICA countries and the Russian Federation to define actions on the common agenda contained in the Political Dialogue and Cooperation Agreement signed between the two parties.

18. Considering the forthcoming meeting of high-level Central American authorities with the Vice-President of the United States of America on 30 March 2009, in San José, Costa Rica, the following items have been proposed for inclusion on the agenda of that meeting:

- It should be stressed that diplomatic means and regional organizations are the legitimate channels for discussion and analysis of bilateral and multilateral agendas between our countries.
- There must be mutual respect between States and democratically elected Governments, based on the principle of non-interference in the affairs of other States.
- Any interventionist practices using covert operations, parallel diplomacy or media pressure against the interest of our peoples and governments, which undermine governance and democracy, should also be rejected.
- Social and cultural issues should be favoured over exclusively commercial and trade matters.
- Migration should be separated from security policy and included in the development agenda, with priority given to reuniting the families of migrants. Migration policies and regional agreements should be harmonized with a view to resolving the personal and social void created by the displacement of migrants. The massive repatriation from and prosecution within the United States of America are in violation of human rights. Furthermore, the situation of Central Americans who have been granted Temporary Protection Status (TPS) should be legalized.
- Cooperation should be undertaken in accordance with the agendas and priorities of the receiving countries, and initiatives should be coordinated with such countries in order to simplify procedures and facilitate access to the available resources.

- With a view to achieving the Millennium Development Goals, the Group of Twenty (G20) should be requested to meet the target of 0.07 per cent of gross domestic product (GDP) for official development assistance.

19. The Presidents of the SICA countries, recognizing the immense wealth of knowledge that indigenous peoples can from their perspective contribute to strengthening the region's political, economic, cultural, ecological and social processes agree to establish, in coordination with the domestic legislation of States, an effective mechanism for dialogue and political harmonization, leading to a Plan of Action and Regional Agenda on Indigenous Peoples and people of African descent, and therefore instruct the Council of Ministers and relevant national and regional organizations to begin working on a proposal to present at the next Summit of SICA Presidents.

20. Thank the Government of Mexico, represented by the Undersecretary for Latin America and the Caribbean, for its participation in this Extraordinary Meeting as a SICA observer.

21. The meeting of Presidents set out an agenda of points of interest to be discussed with the Vice-President of the United States of America which is annexed to this Declaration.

Done at Managua, Republic of Nicaragua, Central America, on 25 March 2009.

Daniel **Ortega Saavedra**
President of the Republic of Nicaragua

José Manuel **Zelaya Rosales**
President of the Republic of Honduras

Elías Antonio **Saca González**
President of the Republic of El Salvador

Álvaro **Colom Caballeros**
President of the Republic of Guatemala

Martin **Torrijos Espino**
President of the Republic of Panama

Clara **Quiñones de Longo**
Undersecretary of State for Foreign Relations
of the Dominican Republic

Alfredo **Martínez**
Ambassador of Belize to Guatemala,
also accredited to Nicaragua

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General Assembly

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Agenda item 104 (c)
Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Note verbale dated 12 March 2009 from the Permanent Mission of Djibouti to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Djibouti to the United Nations presents its compliments to the Office of the President of the General Assembly at its sixty-third session and, with reference to its note dated 18 February 2009 pertaining to Djibouti's candidature to the Human Rights Council, has the honour to transmit, enclosed herewith, an aide-memoire containing Djibouti's voluntary pledges and commitments in accordance with resolution 60/251 (see annex).

The Permanent Mission of the Republic of Djibouti to the United Nations avails itself of this opportunity to renew to the Office of the President of the General Assembly at its sixty-third session the assurances of its highest consideration.

09-28539 (E) 060409 070409

Please recycle

Annex to the note verbale dated 12 March 2009 from the Permanent Mission of Djibouti to the United Nations addressed to the President of the General Assembly

[Original: French]

Candidature of Djibouti for re-election to the Human Rights Council for the period 2009-2012

1. The Republic of Djibouti had already demonstrated its commitment to the promotion and protection of human rights by ratifying or acceding to the following international and regional agreements:

- The Convention on the Rights of the Child, in 1990;
- The International Covenant on Economic, Social and Cultural Rights, in 2002;
- The Convention on the Elimination of All Forms of Discrimination against Women, in 1999;
- The International Covenant on Civil and Political Rights and the two Optional Protocols thereto, in 2002;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2002;
- The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;
- The Rome Statute of the International Criminal Court;
- The African Charter on Human and Peoples' Rights;
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

2. Djibouti has acceded in line with its voluntary commitments when it first presented its candidature for election to the Human Rights Council in 2006, to the following three instruments:

- International Convention on the Elimination of All Forms of Racial Discrimination;
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

3. National level:

- In 2007 Djibouti also enacted a law on human trafficking;
- Djibouti has made the prevention of female genital mutilation and the protection of the rights of children two of its top priorities;
- Djibouti was elected as one of the Vice-Presidents of the Human Rights Council in 2007-2008, and played a very active role in the strengthening of the Council and in the first two sessions of the universal periodic review (UPR).

The post of Vice-President helped to bolster Djibouti's efforts with respect to the promotion and protection of human rights at the national level and encouraged several national and international stakeholders to redouble their efforts in that area.

The initiatives undertaken over the past two years in that area attest to Djibouti's political commitment at the highest level to human rights. Two of the most noteworthy initiatives were the establishment of a national human rights commission in April 2008 and of an inter-ministerial committee in September 2008 to coordinate the drafting and submission of reports to treaty bodies.

Various awareness-raising activities and events to promote human rights were held in Djibouti to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights. The highlight was a large gathering chaired by the Prime Minister, and attended by representatives of the Office of the High Commissioner for Human Rights (OHCHR) and United Nations agencies.

These institutions were immediately approached to provide assistance in connection with the preparation of Djibouti's report to the universal periodic review — a key event for the country. The Republic of Djibouti's report presented to the fourth session of the universal periodic review working group on 2 February 2009 was drafted by the inter-ministerial committee.

Desiring to build on the positive response from the universal periodic review and seeing that exercise as an opportunity to identify priorities in the area of human rights needs, the Republic of Djibouti organized on 17 and 18 February 2009 a briefing workshop on the review's recommendations and on the concluding observations of the Committee on the Rights of the Child. The workshop culminated in the signing of an agreement concerning a joint two-year technical support programme between the Ministry of Justice and Corrections, and the National Human Rights Commission on the one hand, and OHCHR, the United Nations Development Programme, the United Nations Children's Fund and the United Nations Population Fund on the other.

This support programme is in line with the capacity-building policies for national stakeholders undertaken by the Government and aims specifically at permitting the Government to meet its treaty body obligations; bringing the functioning of the National Human Rights Commission in line with international standards, in strengthening the role of civil society in the promotion of human rights; and enhancing the performance of law enforcement officials.

Moreover, pursuant to a host of recommendations made in the context of the universal periodic review, Djibouti has endeavoured to establish closer ties with OHCHR; it has requested technical support in various areas, including with respect to the holding of training seminars on techniques for drafting reports for treaty bodies and the Human Rights Council, which has led to the development of the ambitious two-year joint technical support programme mentioned above. Pursuant to the recommendations of the universal periodic review technical support has been requested from the Office of the High Commissioner for Human Rights to send a human rights needs evaluation mission.

4. Regional level:

Djibouti has honoured the voluntary commitment it made when it presented its initial candidature for election to the Human Rights Council, in regard to its role in

the settlement and mediation of regional conflicts. Djibouti has played a key role in the context of the conflict in Somalia, hosting negotiations among the various parties and facilitating elections that led to the election of a new President.

5. For all the foregoing reasons, the Republic of Djibouti pledges to continue to place human rights at the heart of its national concerns and to spare no effort to promote and protect human rights at both the regional and international levels.

6. If re-elected to the Human Rights Council, the Republic of Djibouti pledges to continue to support the work of the United Nations human rights protection mechanisms, foremost among them, the Human Rights Council. In particular, it pledges to:

- Ratify the Convention on the Rights of Persons with Disabilities;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- Strengthen its cooperation with various United Nations human rights protection mechanisms, including the treaty bodies, by submitting its various initial and periodic reports;
- Strengthen cooperation with the Human Rights Council mechanisms;
- Review the Act on the establishment of the National Human Rights Commission to bring it more in line with the Paris Principles.

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Note verbale dated 19 March 2009 from the Permanent Mission of Norway to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Norway to the United Nations presents its compliments to the President of the sixty-third session of the General Assembly and has the honour to remind the latter that the Government of Norway has put forth its candidature for election to the Human Rights Council for the term 2009-2012 in the election to be held in May 2009.

With reference to its note verbale dated 8 August 2007, and in accordance with General Assembly resolution 60/251, the Permanent Mission of Norway is pleased to attach a specific set of pledges and commitments to underscore Norway's own continuing commitment to human rights and how it will aim to contribute to the work of the Council if elected (see annex).

09-28445 (E) 060409

Please recycle

Annex to the note verbale dated 19 March 2009 from the Permanent Mission of Norway to the United Nations addressed to the President of the General Assembly

Aide-memoire on the candidature of Norway for the Human Rights Council

Strong supporter of the UN

Norway has consistently supported the United Nations and is one of the three largest voluntary contributors to UNDP, UNICEF, UNIFEM, UNFPA and UNEP. Norway is the second largest voluntary donor to the OHCHR and has steadily increased its un-earmarked contributions.

Development cooperation and humanitarian assistance

Global poverty is our greatest human rights challenge today. Promoting human rights must therefore include fighting global poverty. Norway takes this task seriously and is making a record-high contribution by allocating one per cent of its gross national income to international development cooperation in 2009. Norway has taken a human rights-based approach to development cooperation, focusing particularly on the right to health and education for all.

Development assistance alone cannot lift large groups of people out of poverty. Global and regional frameworks play a decisive role in creating peace and stability, promoting economic development, investment and trade, and dealing with migration, environmental problems, climate change and health challenges.

The Norwegian Government will focus on areas where Norway has most to contribute:

i) climate change, the environment and sustainable development
ii) peace building, human rights and humanitarian assistance
iii) oil and clean energy
iv) women and gender equality
v) good governance and the fight against corruption.

Norway is a nation of peace. Norway's efforts to prevent, reduce and resolve conflicts must be seen in connection with its significant humanitarian commitments, the assistance it provides to countries in transition from war to peace, its commitment to long-term development cooperation and its promotion of human rights.

The white paper *On Equal Terms: Women's rights and gender equality in international development policy* was launched in 2008. It sets out the following main thematic priority areas: women's political and economic empowerment; reproductive health and rights; and violence against women.

National human rights policy

Norway is a State Party to six UN human rights conventions in force and to most of their additional protocols, and has passed legislation implementing them in Norwegian law. Norway has further signed the Convention on the Rights of Persons with Disabilities, the Convention for the Protection of All Persons from Enforced Disappearances and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and we intend to ratify these instruments as soon as the necessary national legislation has been adopted. Norway was the first to ratify ILO Convention 169 on the Rights of Indigenous Peoples and among the first to ratify the Rome Statute of the International Criminal Court.

Norway cooperates fully with the treaty monitoring bodies by complying with their reporting requirements and implementing their decisions.

Norway has issued a standing invitation to all United Nations Special Procedures mandate holders.

The protection and care of children continue to be a key Norwegian policy priority. Implementing child rights requires child-friendly policies both at the national and international level.

The rights of indigenous peoples are of key importance. Norway actively supported the adoption of the Declaration on the Rights of Indigenous Peoples. The declaration sets a standard of achievement to be pursued in a spirit of partnership and mutual respect. We will do this in partnership with the Sami people in Norway, who are recognised as indigenous peoples by the Norwegian Government.

Norway is in the forefront with regard to making women's rights and gender equality a cross-cutting issue and an objective in itself.

Norway is working actively to strengthen the role of the UN as a promoter of peace, human rights and development. We are doing this in many different ways: by supporting the Peacebuilding Commission and the UN Peacebuilding Fund, by promoting the UN's gender equality efforts, by supporting pilot projects to establish "One UN" at country level, by promoting the integration of humanitarian and development considerations into UN peacekeeping operations, and by supporting further reform in the humanitarian field.

Norway is strongly committed to the United Nations Millennium Development Goals.

Norway has taken the lead in efforts to reach MDG 4 on reducing child mortality, MDG 5 on improving maternal health and MDG 6 on combating HIV/Aids, tuberculosis, malaria and other diseases. Norway's efforts to combat child mortality include support for vaccination through the GAVI Alliance and support for vaccine research.

Voluntary pledges and commitments of Norway (based on the General Assembly resolution 60/251)

Pledges- Cooperation, inclusiveness and mutual respect

Human rights are a cornerstone of Norwegian foreign and development policy. Norway attaches great importance to the work of the Human Rights Council and consider it essential in efforts to further human rights worldwide. Norway is seeking membership on the Human Rights Council for the period 2009-2012.

As a member of the Human Rights Council, Norway will continue its commitment to working actively through engagement and dialogue, and in a spirit of cooperation, inclusiveness and mutual respect, to ensure that the Council functions as a credible, effective and operative tool in the UN machinery to promote and protect human rights and fundamental freedoms worldwide. We will also promote the role of the Universal Periodic Review as a mechanism for increased cooperation on the fulfilment of all human rights.

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Letter dated 16 March 2009 from the Permanent Representative of Hungary to the United Nations addressed to the President of the General Assembly

It gives me great pleasure to inform you that the Republic of Hungary has decided to present its candidature for membership in the Human Rights Council for the term 2009-2012 at the elections to be held on 12 May 2009, in New York.

In this regard, the Government of the Republic of Hungary has the honour to submit herewith a written pledge of its commitment to the promotion and protection of human rights in accordance with General Assembly resolution 60/251 (see annex). The Permanent Mission of the Republic of Hungary would be grateful if the present letter and its annex could be circulated as a document of the General Assembly.

(*Signed*) Gábor **Bródi**
Ambassador
Permanent Representative

09-28554 (E) 060409

Annex to the letter dated 16 March 2009 from the Permanent Representative of Hungary to the United Nations addressed to the President of the General Assembly

Aide memoire

Hungary confirms its deep commitment to the promotion and protection of human rights and fundamental freedoms, and pledges to further advance the noble cause of human rights, at the international as well as national levels.

It strongly supports all efforts aimed at the full and effective implementation and the further development of international human rights law. At the same time Hungary upholds the highest domestic legal standards in the protection of human rights and maintains national institutions necessary for the implementation and monitoring of these rights. Given the fact that more than two million Hungarians live in minority status outside the borders of Hungary in neighbouring States and that there are 13 national and ethnic minority communities living within its own borders, Hungary pays special attention to the protection and advancement of the rights of persons belonging to national, ethnic or linguistic minorities.

International domain

Hungary has become a State party to the six basic United Nations Human Rights Conventions and to several of their additional protocols thereby assuming all key international obligations in the field of human rights. Hungary pledges to sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Hungary has undertaken to receive individual complaints with regard to the provisions of all those United Nations human rights instruments where it is possible. Hungary pursues a policy of constructive cooperation and engagement with United Nations special procedures, by upholding a standing invitation for all United Nations human rights mandate holders, fully responding to their communications and following-up on their recommendations.

Hungary actively cooperates with treaty monitoring bodies by ensuring timely submission of the requested reports and by implementing the conclusions and observations addressed to it as a result of the monitoring procedures. In order to make the treaty body system more efficient, Hungary is committed to contribute to its global reform.

Hungary has always supported, and will continue to do so, the activities of the Office of the High Commissioner for Human Rights. It participates constructively in the deliberations of various international human rights forums, including, in particular, those of the new Human Rights Council, its subsidiary bodies and mechanisms. Hungary has taken care of two important Commission on Human Rights resolutions, one on the cooperation with representatives of United Nations human rights bodies and the other one on the independence of the judiciary, jurors and assessors, and the independence of lawyers. Hungary's active role at the most important human rights forum of the United Nations is clearly marked by the fact that so far three Hungarians have served: the Chairman of the Commission in 1992 (Pál Solt), and two mandate holders (Tamás Bán, Working Group on Arbitrary

Detention, and Gáspár Biró, Special Rapporteur on the Sudan, member of the Sub-Commission on the Promotion and Protection of Human Rights).

Hungary actively supported the creation of the Minority Forum, in replacement of the former Working Group on Minorities. This new Forum is designed to raise awareness to and, promote dialogue and cooperation on, issues pertaining to national or ethnic, religious and linguistic minorities among all relevant international and national stakeholders, including the representatives of minorities. We were particularly pleased that Viktória Mohácsi, a Hungarian member of the European Parliament has been nominated to chair the first session of the Forum in December 2008.

Hungary welcomed the establishment of a Universal Periodic Review procedure in the Human Rights Council that will allow the scrutiny of the fulfilment by each and every State of its human rights obligations and commitments. Hungary is committed to comply with the basic guidelines set for the Universal Periodic Review, such as universality, objectivity, cooperation and interactivity, and it has readily accepted to undergo the review procedure in an open and constructive manner at the scheduled date of 2011. Moreover, Hungary does not wish to avail itself of the privileges accorded to States in the institution-building package. Hungary will not thus request that one of the Troika rapporteurs be from its own regional group, nor shall it ask for the substitution of a rapporteur. Similarly, Hungary will not excuse itself from participating in a specific review process.

Hungary fully supports and encourages the active participation and meaningful role of human rights non-governmental organizations in the work of the Human Rights Council, including their involvement in the new universal periodic review process.

Hungary is fully convinced that the Convention on the Rights of Persons with Disabilities will improve the living conditions of almost 650 million persons with disabilities all over the world, ensuring equal opportunities for them in all aspects of life. The fact that Hungary was the second ratifying State party to this Convention and its Protocol, shows the priority we are giving to this important issue.

National domain

In accordance with Hungary's international human rights commitments, the Hungarian Constitution and the relevant basic laws adopted by the Hungarian Parliament provide all human beings living in the territory of Hungary with a wide range of fundamental rights and freedoms, and establish the necessary legal and institutional guarantees for their enjoyment, including effective remedies to redress any violations of human rights. Hungary pledges to further promote the protection of all human rights, in both law and practice.

The institution of Parliamentary Commissioners serves as an extra layer of protection beyond the judiciary system in case of any human rights abuse committed by a State organ or a private entity. The Parliament elects the three ombudsmen for a six-year term, one responsible for the protection of civil rights in general, and two specific ones responsible for the protection of national and ethnic minorities' rights, and for data protection and freedom of information, respectively. They are independent from the Government, other State organizations and the private sector and report their activity directly and exclusively to the Parliament. Persons with

complaints who have not obtained redress elsewhere may seek the assistance of the Ombudsman's office, which does not have the authority to issue legally binding judgments but may act as a mediator and conduct fact-finding inquiries.

A Parliamentary Commissioner of future generations has recently been created as an innovative, and in many parts of the world, non-existent category of ombudsman. The actions of the "green ombudsman" will be guided by the need to protect the interests of future generations, the environment and sustainability. Once elected, he or she will be directly accountable to the Parliament.

A Parliamentary Committee for human, minority and religious rights regularly conducts hearings and participates in the law-making process relating to issues in the field of human rights. The Committee is composed of both majority and opposition Members of Parliament, reflecting the proportion of party representation in Parliament, and is always headed by a chairman belonging to one of the opposition parties.

In the past two decades, Hungary has undergone major political, economic and social changes. Although the political transition to a multiparty democracy and the economic transition to free market capitalism resulted in undeniable positive achievements, at the same time such changes also led to unexpected social difficulties for the most vulnerable groups of society, in particular the elderly, the big families and the Roma. Protecting their social rights, granting them equal opportunities and promoting their integration into the mainstream society have been and remain to be a great challenge for the Hungarian Government. The Government has continued its former policy promoting the social integration of the Roma population. A Roma Integration Decade Programme Strategy Plan has been adopted for the period of 2007-2015, which sets out tasks in two-year action plans. Action plans include concrete measures and monitoring tasks primarily in the field of employment, housing, education and health, as well as on horizontal areas embracing more programmes.

In order to share the experiences of the complex and sometimes painful process of political and economic transition, Hungary has established an institute, the International Centre for Democratic Transition in the belief that supporting a multifaceted process of democratic transition from dictatorship to democracy is one of the cornerstones of a more stable and safer world. The International Centre for Democratic Transition facilitates the smooth and peaceful process of democratic transition based on participatory principles, the political, economic, legal, cultural and civil society aspects of transformation, as well as the sociocultural context of regions and countries where the process takes place. In accordance with this, Hungary fully supported the Secretary-General's decision to establish the United Nations Democracy Fund for countries seeking to establish or strengthen their democratic systems and practices. As an acknowledgement of our dedication to this issue, Hungary was among the first members of the Advisory Board of the Fund.

A number of domestic and international human rights non-governmental organizations operate in Hungary without any government restriction, investigating and publishing their findings on human rights cases. The Hungarian Government is committed to a further improvement of cooperation between ministries and prosecutors' offices, on the one hand, and the human rights non-governmental organizations, on the other, especially on cases involving Roma and police abuse. An increasing number of non-governmental organizations are involved in the law-

making process, and the Government pledges to make cooperation in this area even more meaningful.

According to a recent decision, a Human Rights Ambassador has been appointed within the Ministry of Foreign Affairs, whose mission is to promote the streamlining of human rights into all dimensions of Hungary's external policy and thereby to ensure greater coherence across all foreign policy issues where human rights have a role to play. He will be engaged in discussions on human rights questions in the course of his diplomatic exchanges with foreign partners. The Human Rights Ambassador should also develop contacts with Hungarian society, in particular Members of Parliament, academics, human rights governmental and non-governmental organizations and the media, in order to advocate the cause of human rights and receive further input for his work.

Hungary fully shares the objectives of the Alliance of Civilizations initiative and in compliance with the proposal of the High Representative of the Secretary-General, H.E. Jorge Sampaio, we have nominated a national coordinator who is responsible both for internal coordination among the relevant Hungarian governmental agencies and civil society actors, and for serving as a focal point vis-à-vis the Alliance's Secretariat and other partners. Furthermore, the elaboration of our own National Strategy for Cross-cultural Dialogue is going to be launched under the auspices of the Ministry of Foreign Affairs.

Act No. CXXV of 2003 on equal treatment and the promotion of equal opportunity has been one of the most important legislative products of the recent period. Desiring to provide effective legal protection for persons exposed to negative discrimination, the National Assembly declared that the promotion of equal opportunity is a task of the State.

Under the requirement of equal treatment, natural persons, groups of natural persons, legal persons and entities not endowed with legal personality shall be treated with equal respect and circumspection, by paying equal attention to their particular circumstances. For the first time in the history of Hungarian law, the Act contains comprehensive anti-discrimination regulations. It defines the various forms of negative discrimination, direct and indirect discrimination, harassment, unlawful segregation and retaliation in compliance with the relevant European Union directives. The Act provides for the setting up of a new institution with the task of examining cases related to discrimination. The Equal Treatment Bureau investigates individual complaints so any persons alleging that their rights enshrined under the Act have been violated may file a complaint to the Bureau.

There was wide-ranging agreement in the society on the initiative of the Government which was launched for the elimination of child poverty and for the improvement of the chances of children. The Parliament has adopted a comprehensive, 25-year national strategy and programme named "Children shall have it better". The principal aim is to reduce poverty of children and families measurably yet under one generation, to promote equal opportunities of children in education, to eliminate extreme forms of exclusion and deep poverty, and to change the attitude and the operation of institutions and service providers which may contribute to the reproduction of poverty and exclusion.

Hungary has decided to prepare a feasibility study on the establishment of an International Centre for the Prevention of Genocide and Mass Atrocities in

Budapest. By the launch of this initiative, the Government of Hungary wishes to promote the cause of prevention of genocide on the occasion of commemorating the sixtieth anniversary of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide.

The Centre will work in close cooperation with the United Nations, with the Office of the Special Adviser for the Prevention of Genocide, who is responsible for the coordination of United Nations efforts in the field of genocide prevention. Cooperation with the Office of the High Commissioner for Human Rights and other United Nations bodies will be essential. The reports of the Centre will also be transmitted to the Security Council members and to the International Criminal Court.

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Letter dated 5 March 2009 from the Permanent Representative of Mauritius to the United Nations addressed to the President of the General Assembly

I have the honour to forward herewith the voluntary pledges and commitments of the Government of the Republic of Mauritius to the promotion and protection of human rights in accordance with resolution 60/251 in respect of the candidature of the Republic of Mauritius for re-election to the United Nations Human Rights Council.

(*Signed*) Somduth **Soborun**
Ambassador
Permanent Representative

09-28526 (E) 060409

Please recycle

Annex to the letter dated 5 March 2009 from the Permanent Representative of Mauritius to the United Nations addressed to the President of the General Assembly

Updated voluntary pledges and commitments

This document has been prepared in accordance with General Assembly resolution 60/251 in the context of the candidature of Mauritius for re-election to the Human Rights Council for the period 2009-2012.

1. The Republic of Mauritius has always been committed to the promotion and protection of human rights at the national, regional and international levels. The Government of Mauritius strongly believes that citizens should be at the core of all forms of human rights, including the right to economic, cultural and social development and that the people should enjoy all their political and civil rights indiscriminately and irrespective of their status.

2. Mauritius is party to the major international human rights instruments. It has enacted comprehensive legislation for the protection and promotion of human rights and fundamental freedoms and ensures their implementation.

National level

3. The respect for and protection of human rights is enshrined in the Constitution of Mauritius. Since its independence, the Republic of Mauritius has been deeply committed to building a society based on democracy, good governance, rule of law, and protection of human rights and fundamental freedoms.

(a) National Human Rights Commission

4. The National Human Rights Commission was set up in April 2001 under the Protection of Human Rights Act in line with the United Nations guidelines governing such institutions. It mainly enquires into any written complaints from any person alleging that any of his human rights has been, is being or is likely to be violated by the act or omission of any other person acting in the performance of the functions of any public office or any public body. It can equally enquire into any other written complaint from any person against an act or omission of a member of the police force. The National Human Rights Commission may, of its own motion, enquire where it has reason to believe that the act or omission is occurring or likely to occur.

5. In 2003, a Sex Discrimination Division was created within the National Human Rights Commission under the Sex Discrimination Act to deal with cases of sex discrimination and sexual harassment, including those cases in the private sector.

6. Amendments to the Protection of Human Rights Act are being contemplated with regard to the structure and composition of the National Human Rights Commission.

(b) The Judiciary

7. The Government of Mauritius is committed to making or supporting far-reaching reforms to the judicial sector with a view to improving the delivery of justice, as per the recommendations made by the Presidential Commission chaired by Lord Mackay of Clashfern. Amendments are to be made to the Constitution shortly to provide for a separate Court of Appeal and a first instance Court within the Supreme Court of Mauritius. Since January 2008, two Judges have been hearing criminal cases and two others have been hearing family law cases on a full-time basis with a view to clearing the backlog. As from January 2009, two Judges are hearing commercial cases on a full-time basis.

8. The Judicial Committee of the Privy Council sat for the first time in Mauritius in September 2008, in line with the ongoing reforms to the judicial system aimed at providing better access to justice to citizens of Mauritius.

(c) Office of the Ombudsperson for Children

9. The Office of the Ombudsperson for Children was established under the Ombudsperson for Children Act 2003. The Ombudsperson for Children has the duty of promoting compliance with the Convention on the Rights of the Child and investigating possible violations of the rights of the child.

(d) The Human Rights Centre

10. The Human Rights Centre which was inaugurated in August 2007 aims to be the main platform for the promotion of human rights in Mauritius. The Centre also acts as a channel for information and aims at making the public aware of existing institutions and laws so that they may better avail themselves of such.

11. In addition to its numerous tasks in matters of education and sensitization, the Centre also serves as one of the main human rights forum where:

(i) non-religious groups and associations, clubs and even political parties from all spheres are welcome to organize debates and meetings on human rights related issues;

(ii) foreign visitors in the field of human rights can hold conferences and talks on a regular basis. The members of the United Nations Subcommittee on Prevention of Torture met Mauritian stakeholders for discussions on the premises of the Human Rights Centre;

(iii) proper training can be given to various people from NGOs and trade unions who will in turn assist in empowering citizens at grass-roots level; and

(iv) all year round sessions can be held by local guest speakers, on a voluntary basis, from different spheres of society on different topics in the human rights area.

12. The Human Rights Centre initiates human rights campaigns and the publication of brochures and pamphlets on human rights issues.

13. The main Human Rights Conventions ratified by Mauritius and especially the rights contained therein will be widely disseminated to the general public.

(e) National Action Plan on Human Rights

14. Mauritius is at present finalizing a National Action Plan on Human Rights. This National Action Plan seeks to develop a strong culture of human rights in Mauritius by providing better protection for individuals, creating more effective programmes that enhance the quality of life for all, particularly vulnerable groups, and by improving national harmony. It also aspires to achieve promotion of greater awareness of human rights, both in the general public and in specific sectors. The overarching objective of the National Action Plan is to bring about tangible improvements in the observance of all categories of human rights.

15. The National Action Plan has been developed on the basis of realistic objectives and clear targets and covers a broad range of areas. It includes an overview of the international and national legal framework, a description of the different categories of human rights enjoyed by Mauritians, the role of national institutions and civil society and lays emphasis on the need for human rights education. It describes the actions taken so far in each field and the shortcomings which need to be overcome, and proposes measures to address these shortcomings. The National Action Plan also proposes specific time frames for the achievement of its objectives, with short, medium and long-term implementation of the measures. The provision of a time frame will ensure that those involved in realizing the targets of the Action Plan have a deadline to structure their activities and should ultimately facilitate monitoring and final evaluation.

(f) Legal aid

16. The legal aid system is being reviewed. In this context, proposals have been made by a working committee in a Green paper on legal aid in Mauritius. The Green paper addresses among other issues the new concept of legal aid, the application of legal aid, the eligibility test, the expansion and extension of legal aid services, the establishment of a Legal Aid Board and corporate social responsibility.

(g) Media law

17. The Government of Mauritius intends to review the media landscape and to bring about reform in media law. In this context, Geoffrey Robertson, Q.C., a well-known authority on media law in Commonwealth States, was invited by the Government in May 2008 to advise on the appropriate media framework for the benefit of both the public and the Government. During his visit, he interacted with media organizations and other stakeholders.

(h) Gender

18. Mauritius has developed a National Gender Policy Framework (2008) to provide broad guidelines for the implementation of gender mainstreaming strategies. The Gender Unit within the Ministry of Women's Rights, Child Development and Family Welfare monitors the implementation of gender mainstreaming strategies for the empowerment of women and the promotion of gender equality and equity. It conducts outreach activities at grass-roots level through 15 Women Centres, the National Women's Council, the National Women Entrepreneur Council, the National Women Development Centre and some 1,200 Women's Associations with respect to capacity-building, service delivery and sensitization campaigns for the empowerment of women, as well as gender mainstreaming at policy, programming

and output level with Ministries, Departments and other stakeholders in line with the National Gender Policy Framework and the recent reforms geared towards effective public financial management and performance management.

19. As from July 2008, the Gender Unit has been offering technical assistance to three pilot Ministries, namely the Ministry of Education, Culture and Human Resources, the Ministry of Youth & Sports and the Ministry of Labour, Industrial Relations & Employment to help them formulate their sectoral gender policies, so that programmes and performance indicators are gender-responsive and adequately reflected in the budget.

20. Concurrently, the different units of the Ministry of Women's Rights, Child Development and Family Welfare have also been involved in this exercise. The Ministry of Women's Rights, Child Development and Family Welfare and the above-mentioned three pilot Ministries have already finalized their sectoral policies.

21. The Ministry of Women's Rights, Child Development and Family Welfare is now in the process of replicating this exercise in four other Ministries, namely the Ministry of Agro-Industry, Food Production and Security, the Ministry of Finance and Economic Empowerment, the Ministry of Civil Service and Administrative Reforms and the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions.

(i) Legislative measures

22. **The Protection from Domestic Violence Act** which was enacted in 1997 and amended in 2004 and 2007 affords protection to the spouse of, as well as other persons living under the same roof as, a violent person. The Act provides for the issue of protection orders, occupation orders and tenancy orders by a Magistrate and affords protection against physical, emotional, sexual violence and even threatened violence. A person who has wilfully failed to comply with an order made under the Act may, in appropriate cases, be ordered to attend counselling sessions.

23. **The Protection of Elderly Persons Act 2006** provides for the protection of the elderly against abuse; persons who wilfully subject elderly persons to ill-treatment or wilfully fail to provide elderly persons under their care with adequate food, medical attention, shelter and clothing are liable to be prosecuted. The Welfare and Elderly Persons' Protection Unit of the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions organizes public awareness and sensitization campaigns on elderly persons' rights, receives complaints from elderly persons in need of protection and may apply to the Court for a protection order on their behalf.

24. **The HIV and AIDS Act** which was passed in 2006 provides for a rights-based approach to HIV and AIDS-related issues, and aims in particular at protecting persons living with HIV and AIDS from discrimination. One of the objects of the Act is to respond to the escalating HIV/AIDS epidemic being witnessed in Mauritius through enhanced HIV prevention programmes and scaled up national mechanisms for voluntary counselling and testing. Provision is made for the introduction of risk minimization interventions, namely the Needle Exchange Programme. The Civil Status Act was amended in order to allow marriages between a Mauritian citizen and a non-citizen who is HIV positive or has AIDS.

25. **The Truth and Justice Commission Act** which was passed in August 2008 provides for the setting up of the Truth and Justice Commission. The mandate of the Commission is to conduct inquiries into slavery and indentured labour during the colonial period in Mauritius, determine appropriate measures to be extended to descendants of slaves and indentured labourers, enquire into complaints made by persons aggrieved by dispossession or prescription of any land in which they claim to have an interest and prepare a comprehensive report of its activities and findings based on factual and objective information and evidence. The Commission is expected to complete its assignment and submit its report within 24 months from the start of its operations.

26. In order to reform the industrial relations framework, promote effective tripartism and strengthen dialogue with social partners, a **new Employment Relations Act** was passed in August 2008. The Act focuses on, inter alia, the protection and enhancement of the democratic rights of workers and trade unions, the simplification of the procedures for registration and recognition of trade unions, the promotion of collective bargaining, the promotion of voluntary settlement and peaceful resolution of disputes, the strengthening of the disputes and conflict resolution procedures and institutions to ensure speedy and effective settlement, the right to strike as a last resort after conciliation and mediation have failed and the building of a productive employment relationship.

27. **The Employment Rights Act** which was passed at the same time aims at achieving the flexibility needed for creating demand for labour, together with security needed to protect the worker as he or she switches between jobs. The object of the Act is to revise and consolidate the law relating to employment, contracts of employment or service, the minimum age for employment, hours of work, payment of remuneration and other basic terms and conditions of employment with a view to ensuring appropriate protection of workers. Both the Employment Relations Bill and the Employment Rights Bill were widely discussed with national stakeholders and experts from the International Labour Organization before they were introduced in the National Assembly.

28. **The Equal Opportunities Act** was passed in December 2008. It prohibits discrimination on grounds of age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex and sexual orientation in various spheres of activities, namely employment; education; the provision of accommodation, goods, services and other facilities; sports; the disposal of immovable property; companies, partnerships, "sociétés" or registered associations; admission to private clubs and premises open to members of the public. The Act also provides for the establishment of an Equal Opportunities Division within the National Human Rights Commission and an Equal Opportunities Tribunal.

29. **The Judicial Provisions Act** was passed in November 2008. One of the objects of the Act is to abolish fixed sentences and other mandatory sentences and to restore to the Courts their sentencing discretion in respect of all offences.

30. It is also intended to introduce a **Police Complaints Bill** in Parliament shortly. The Bill will provide for the setting up of an independent body which will deal with complaints made against police officers in respect of acts done in the execution of their functions. Consultations were held with the National Human Rights Commission and other stakeholders as well as with experts from the Independent Police Complaints Commission of the United Kingdom, the Office of the United

Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime.

31. **A DNA Identification Bill** is currently being fine-tuned in consultation with all stakeholders. With the enactment of this legislation, criminal investigation will be operationally driven with intelligence generated by a DNA Database. The impending DNA Bill will allow the instant search for a match to the DNA fingerprint of each and every known criminal in the land. Appropriate safeguard measures will be taken in the drafting of the legislation to ensure an appropriate balance between the enhancement of security and the need to protect individual liberties.

32. **A Sexual Offences Bill** was referred to a Select Committee in 2007 for further study and consultation. The object of the Bill is to make further and better provision for sexual offences. In that context, a new definition of the offence of rape is provided, new categories of offences of sexual assaults are created in order to cover various acts of sexual perversions committed by offenders and provision is made for decriminalizing of sexual activities among consenting adults.

33. It is proposed to review the **Data Protection Act 2004** to harmonize it with the EU Directives on data protection. The Government held consultative meetings with stakeholders to consider proposed amendments to the Act.

34. Further to the latest recommendations of the Committee on the Rights of the Child, action has been initiated for the drafting of a **Children's Bill** to consolidate the various pieces of legislation covering all aspects of children's rights. Opportunity will be taken to, inter alia, review the law on juvenile justice and prosecution and detention of juveniles.

35. With a view to adopting a holistic approach to the problem of trafficking in persons and clustering the different provisions pertaining to trafficking under a comprehensive legislation, the **Combating of Trafficking in Persons Bill** is being finalized with the assistance of the United Nations Office on Drugs and Crime.

Regional level

36. Mauritius is party to the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child.

37. Mauritius has also signed the African Charter on Democracy, Elections and Governance and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

38. Mauritius has acceded to the African Peer Review Mechanism in July 2003 and was among the first countries to start the review process which covers four substantive thematic areas, namely Democracy and Political Governance, Economic Governance and Management, Corporate Governance and Socio-Economic Development. The National Economic and Social Council, an independent body, has been designated as the national focal point to oversee the process in Mauritius. Mauritius is currently finalizing its self-assessment report and is expected to be peer reviewed in the course of 2010.

39. Mauritius recognizes that the fight against poverty, development and human rights are interlinked and mutually reinforcing. It is in this spirit that Mauritius hosted the SADC International Conference on Poverty and Development in April 2008. The Conference agreed, inter alia, to work towards the establishment of a Regional Poverty Observatory to monitor progress made in the implementation of actions in the main priority areas of poverty eradication.

International level

40. Mauritius pursues a policy of active cooperation with international organizations and their respective bodies and institutions in the field of human rights and fundamental freedoms. It is deeply committed to upholding the highest standards in the promotion and protection of human rights.

(a) International commitments

41. Mauritius is party to the major international human rights treaties, namely:

(i) International Convention on the Elimination of All Forms of Racial Discrimination;

(ii) International Covenant on Civil and Political Rights;

(iii) International Covenant on Economic, Social and Cultural Rights;

(iv) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(v) Convention on the Rights of the Child; and

(vi) Convention on the Elimination of All Forms of Discrimination against Women.

42. Mauritius has withdrawn its reservation to article 22 of the Convention on the Rights of the Child following the concluding observations of the Committee on the Rights of the Child.

43. Mauritius ratified on 31 October 2008 the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and on 12 February 2009 the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

44. Mauritius, which became a party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2005, was chosen, by a drawing of lots, as the first country to be reviewed under the Optional Protocol. It received the visit of the Subcommittee on Prevention of Torture from 10 to 18 October 2007.

45. During the course of their visit, members of the Subcommittee visited the Police facilities, Police Detention Centres, prisons and other institutions such as the Rehabilitation Youth Centre at Beau Bassin and the Shelter for Children and Women in Need. A National Preventive Mechanism, as provided for under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has been set up administratively pending amendments to be brought to existing legislation to establish the legal framework under which the

National Preventive Mechanism is to operate. The Subcommittee submitted its report on its visit in Mauritius in July 2008. A High-Level Committee is looking into the implementation of the findings, observations and recommendations in the report. The **National Preventive Mechanism Bill** is in the process of being finalized.

46. Mauritius signed the Convention on the Rights of Persons with Disabilities on 25 September 2007 and is committed to upholding and applying its provisions. The Government has come up with a Policy Paper and Plan of Action on Disability which contains a series of measures relating to health, education, training, employment, human rights, sports, leisure, transport, communication and accessibility. In this context, an Implementation and Monitoring Committee has been set up to work on the implementation of the recommendations of the Action Plan and early ratification of the Convention.

47. Mauritius is determined to continue to cooperate with the various treaty bodies and to follow up closely on their concluding observations/recommendations.

(b) Membership of the Human Rights Council

48. As a founding member of the Human Rights Council, elected in 2006 for a three-year term, Mauritius has worked with the international community in a spirit of dialogue, cooperation, and objectivity to build the institutional architecture of the Council and also to promote and protect the universal enjoyment of all human rights.

49. It has engaged constructively in the deliberations of the Council, its subsidiary bodies and mechanisms and has supported important initiatives aimed at strengthening the human rights normative framework and addressing human rights challenges. A Mauritian national is also currently serving on the Human Rights Council Advisory Committee.

50. During its membership of the Council, Mauritius has consistently pursued a policy of non-politicization and non-confrontation to help ensure that each human rights issue or situation is addressed in the most effective and efficient manner and in the interest of the victims.

51. At the same time, Mauritius has made every effort to honour the pledges it made in 2006 while seeking membership of the Human Rights Council. It believes that it has lived up to and continues to honour these pledges through the action it has undertaken at domestic and international levels.

52. As a supporter of the United Nations human rights system and in view of its firm commitment to upholding the highest standards of human rights, Mauritius is seeking re-election to the Council to contribute further to the promotion and protection of human rights worldwide.

53. **If re-elected to the Human Rights Council, Mauritius pledges to:**

(i) maintain an active and constructive engagement in the work of the Human Rights Council and its mechanisms as well as continue to play its role as a consensus-builder in norm-setting in the field of human rights;

(ii) remain committed to strengthening the Council to enable it to achieve its aims and objectives;

(iii) fully cooperate with the Universal Periodic Review mechanism as well as United Nations human rights treaty bodies;

(iv) support international efforts to enhance intercultural dialogue and understanding among civilizations, cultures and religions with a view to facilitating the universal respect of all human rights;

(v) continue to uphold the highest standards of human rights and to strengthen the national human rights framework;

(vi) continue to support the Office of the United Nations High Commissioner for Human Rights in its mandate to promote and protect human rights; and

(vii) continue to work with United Nations Member States and relevant bodies for worldwide promotion and protection of human rights based on the principles of cooperation and dialogue.